

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREDERICK BANKS,

Plaintiffs,

-against-

JEFFREY TOOBIN, AUSA; CABLE NEWS
NETWORK (CNN); UNITED STATES OF
AMERICA,

Defendants.

ORDER

10 Civ. 1857 (LAP)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#DATE FILED: X 7 APR 2010

By order dated March 11, 2010, the Court *sua sponte* dismissed plaintiff's *pro se* complaint because he lacked standing to bring the asserted claims. On March 17, 2010, plaintiff submitted to the Court a "Notice of Appeal in a Civil Case and Motion for an Extension of Time to Appeal; and Motion for Reconsideration, Fed. R. Civ. Pro. 59(e)." Plaintiff's motions for an extension of time and reconsideration are denied for the following reasons.

A party moving for reconsideration must demonstrate that the Court overlooked factual matters or controlling decisions "that might materially have influenced its earlier decision." Morser v. AT&T Information System, 715 F. Supp. 516, 517 (S.D.N.Y. 1989). Plaintiff fails to proffer any error in fact or in law which mandates the alteration of the Court's decision. As stated by the Court's March 11, 2010 order, plaintiff lacked standing to bring the claims raised in his complaint because he failed to assert facts suggesting he sustain any personal injury stemming from defendants' allegedly false and fraudulent statements. Plaintiff does not allege any facts in the instant motion sufficient for the Court to alter or amend its judgment. Plaintiff's motion for reconsideration must be denied.

Accordingly, plaintiff's motion for reconsideration of this Court's March 11, 2010 order and judgment is denied. Plaintiff's request for an extension of time is also denied as unnecessary since he filed a timely notice of appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States,

369 U.S. 438 (1962).

SO ORDERED.



LORETTA A. PRESKA
Chief Judge

Dated: **X 7 APR 2010**
New York, New York